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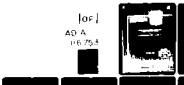

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The paper examines three questions: (1) Should members of the Armed Forces be denied the right to collectively bargain when Federal civilian employees can? (2) Do military unions degrade morale, discipline or combat effectiveness of Armed Forces? (3) Is PL 95-610 (denying the right of military members to join unions) constitutional? The thesis is that the military members should not be denied this right. The fact that they are, is based on a presumpt on that unions would undermine command authority and

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present a clear threat to morale and readiness. A review of unionized armed forces of a number of European countries, however, refutes this contention. In fact, military unions have generally been a force for solving problems without ill effect. As to the legality of PL95-610, it is still an unknown as the law has not been challenged in the courts. Unionization of the US Armed Forces is a dormant issue, but not a dead one.

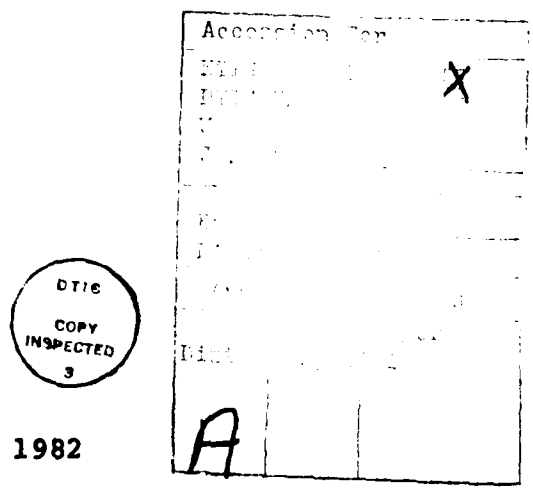
US ARMY WAR COLLEGE

INDIVIDUAL RESEARCH BASED ESSAY

FACTORS FAVORING MILITARY UNIONS IN THE UNITED STATES ARMED FORCES

BY

LIEUTENANT COLONEL THOMAS P. EASUM, JR.



19 APRIL 1982

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INTRODUCTION

Background

The possible unionization of the U.S. Armed Forces was first seriously considered in the early 1970s when military personnel became increasingly aware of serious erosion of their career benefits.[1] Pressures on Congress to reduce ever-growing military personnel costs resulted in a widespread perception within the military that pay and benefits were under attack.[2] Many military members strongly resented this erosion of benefits which, according to William J. Taylor, they:

> Considered protected rights, an integral part of the implicit contract which the military acquired when swearing to assume the obligations of service to protect the nation and the Constitution. Especially for members with many years of service, whose careers and family futures [had] been based upon expected levels of pay and benefits, there [was] a mounting sense of insecurity and frustration.[3]

Waiting in the wings was a public employee union which saw the possibilities inherent in the frustration of military members. As reported in the Wall Street Journal in June 1975, the American Federation of Government Employees (AFGE) "was quietly laying plans to organize soldiers, sailors and airmen."[4] In August 1975, the AFGE National Executive Council unanimously voted to study possible membership for military personnel, and in September 1976, the AFGE annual convention adopted a resolution which authorized membership for military personnel.[5] Implementation of the resolution was contingent upon general membership approval.

In March 1977, AFGE announced that it would conduct a vote of its membership to determine whether or not to proceed with organization of the military services.[6] In October 1977, the AFGE President, Kenneth P. Blaylock, in remarks before the House Armed Services Committee, stated that the AFGE membership had voted 80 percent to 20 percent against organizing military personnel.[7] In so far as the AFGE was concerned, the issue of organizing military unions was dead.

Meanwhile, some in Congress and the Department of Defense (DOD) saw the effort to unionize the military as a serious threat to American national security.[8] In December 1976, the Secretary of Defense issued a memorandum to the Secretaries of the Military Departments which provided DOD policy regarding negotiation and bargaining.[9] The memorandum recognized that there were labor agreements covering hundreds of thousands of DOD civilian personnel; however, the processes of negotiation could not and should not be applied to the military.[10] The Department of Defense policy was stated as follows:

> Negotiation and bargaining. No member of the armed forces, or civilian employee of the Department of Defense, may negotiate or bargain on behalf of the United States, with respect to terms and conditions of military service of members of the armed forces, with any individual, organization or association which represents or purports to represent members of the armed forces; nor may any member of the armed forces, or civilian employee of the Department of Defense, recognize any individual, organization or association for any such purpose.[11]

JCS Chairman General George S. Brown took an even stronger position. He stated that it should be illegal for unions to solicit military members, and illegal for a commander to bargain with a military union.[12]

No Senator or Congressman publicly supported military unionization. One of the strongest opponents of military unionization was Senator Strom Thurmend (R-SC).[13] He introduced a bill (S.3079) in the 94th

Congress to prohibit unionization of the armed forces. The bill, which did not have DOD support, died without hearings when the Congress adjourned in 1976.[14]

In January 1977, he and 37 cosponsors introduced a similar bill (S.274) in the 95th Congress. It was reported out of the Senate Armed Services Committee in August, 1977,[15] and enacted as PL 95-610 in 1978. The law prohibits military members from joining military unions, prohibits unions from enrolling military members or representing them in collective bargaining with any agency of the government, and prohibits any military union activity on any military installation.[16]

Nature and Significance of the Issue

Even though a law has been enacted which makes military unions illegal, it is unlikely that the issue has been totally resolved. Several fundamental questions remain unanswered. Among them are these:

1. If federal employees of the U.S. can bargain collectively concerning the conditions of their employment, should members of U.S. Armed Forces be denied that benefit?

2. Do military unions degrade morale, discipline or combat effectiveness of Armed Forces?

3. Is PL 95-610 Constitutional?

In an effort to answer these questions, the remainder of this paper will examine the rights of U.S. federal employees to bargain collectively; review the history and results of military unions in European Armed Forces; and examine some constitutional limitations imposed on the restriction of U.S. service members' constitutional rights.

FACTORS FAVORING MILLITARY UNIONS

Federal Employee Bargaining Rights

The history of bargaining between federal employees and the government began as early as 1807 when workers at the Portsmouth Navy Yard organized to complain about their low wages. the Secretary of the Navy heard of their complaints and fired them.[17] In 1836, Navy yard workers in Philadelphia and Washington organized and struck for a ten-hour work day. President Jackson acted on their complaint and granted the ten-hour work day, but only at the Philadelphia Navy Yard.[18] In 1840, President Van Buren established the ten-hour work day for all federal employees.[19] Van Buren's action had a spill-over effect into the private sector.

In 1883, the Pendleton Act established the Civil Service Commission to provide centralized management of federal employees. It established a merit system and ended the tradition of patronage. The act as intended to establish the image that federal employees were in a societal class above that of workers who joined industrial unions.[20] The act covered approximately ten percent of the 140,000 federal employees at that time.

The Lloyd-LaFollette Act in 1912 was the first real milestone in federal labor relations. It instituted the eight-hour work day, permitted federal employees to join unions, and prohibited strikes against the government.[21]

The Norris-LaGuardia Act of 1932 affirmed the principle that government should not impose constraints on the conduct of union-management relations or interfere with it in any way, except when actual violence or damage to property had occurred.[22]

Private sector employees were granted the right to bargain collectively with their employers in 1935 when the Wagner Act was passed.

In 1947, the Taft-Hartley Act included, for the first time, provisions for government employees in a general labor law. The act explicitly prohibited federal employees from participating in any strike.[23]

Private sector employees were granted the right to bargain collectively with their employers in 1935 when the Wagner Act was passed, but it took 27 years for federal employees to achieve similar rights when President Kennedy issued Executive Order 10988 in 1962![24] EO 10988 provided for union recognition and established modified bargaining rules for federal employees. It prohibited recognition of any union which did not have a no-strike clause in its constitution. Wages, pensions, and other economic issues were not negotiable.[25] This was a significant, though limited, step forward in collective bargaining for federal workers.

The response to this new situation was immediate. Federal employees represented by unions grew from 670,000 in 1963 to 1.3 million in 1972![26] AFGE membership during the same period increased from 97,000 to 620,000![27]

In 1969, President Nixon signed Executive Order 11491 which established the Federal Labor Relations Council (FLRC) to resolve negotiation stalemates through the Federal Service Impasses Panel. Exclusive recognition of unions was also established as the norm. Unfair labor practices and standards of union conduct were included.[28] Bargaining scope remained limited and compulsory union membership was banned.

In 1971, Executive Order 11616 strengthened the effect of exclusive recognition, enlarged the scope of negotiation, and established nego-

tiated grievance procedures to deal with interpretation of the agreement.[29]

In 1978, the Civil Service Reform Act (PL 95-454) converted the Executive Orders of Kennedy, Nixon, and Ford into law. The same Congress which enacted the Civil Service Reform Act also enacted PL 95-610, which amended Chapter 49, Title 10, U.S. Code, to prohibit union organization and membership in the U.S. Armed Forces. Over two million federal employees were authorized to bargain collectively with their employer, but two million members of the armed forces were denied any voice whatsoever in the determination of their conditions of employment. The U.S. military has apparently accepted, for the moment, this strange situation. But as more federal employee unions threaten illegal strikes and job actions in order to obtain increased wages and benefits, will the military remain quiet? Civilian employees of the DOD, many of whom occupy critical positions in the operation of the military establishment, are permitted to organize and bargain concerning their employment, but military members whose lives are directly affected by the decisions reached in DOD are not permitted a voice in any of these proceedings. It is difficult to accept the logic that unionization and collective bargaining by the entire civilian work force of DOD has no effect on national security, but that the formation of a service members' union would present such a grave threat to national security that a public law is required to make that action illegal and punishable by fine or imprisonment.

European Military Unions

Many European countries have permitted their military forces to form unions or associations to bargain on matters affecting their condi-

tions of employment. Both formal and informal arrangements exist between the unions, associations, and governments.[30] A review of the results of these European military unions will be useful in the consideration of U.S. Armed Forces unionization.

Austria. Since 1967, military forces have been represented by the Austrian Trade Union Federation. Approximately 66 percent of the career officers and 75 percent of the career NCOs belong to the union. Union activities are limited to wages, benefits, and privileges. Training, military justice, and personnel assignments are not negotiable.[31] Union activity is prohibited during national emergencies, but the right to strike exists under normal conditions.[32]

Belgium. The government of Belgium is strongly influenced by unions and encourages them. Military associations were formed in the Belgium Armed Forces in 1960, and military members were authorized to be represented by unions in 1973. Approximately 55 percent of the officers and 80 percent of the NCOs are members. Military unions may negotiate for wages, benefits, and working conditions, but are prohibited from striking or interfering in military descipline and operational matters. The unions have negotiated a 40 hour work week and compensation for overtime.[33]

Denmark. Danish military unions were organized in 1922, and are separate from civilian unions. Membership is automatic for all career personnel unless they specifically decline. Approximately 98 percent of the officers and 92 percent of the NCOs are members. The unions negotiate wages, working conditions, grievance procedures, and insurance plans, but are prohibited from striking or interfering with operational matters. The military work week is 40 hours and soldiers are compensated for overtime.[34]

Federal Republic of Germany (FRG). Germany's constitution (1949) guarantees "the right to form associations to safeguard and improve working and economic conditions . . . for everyone and for all occupations . . . ."[35] Under the National Serviceman's Act of 1956, military personnel are guaranteed the same civil rights as all other citizens.[36]

Military associations and unions were authorized in 1954 when the FRG Armed Forces were reestablished. The largest representational organization is the German Armed Forces Association which represents 80 percent of the Officers and NCOs. It is a professional association which lobbies with the Minister of Defense and Parliament for pay, benefits, and improved working conditions. Military command, discipline,and operational matters are excluded.[37]

In August 1966, the Public Services and Transport Union, a public sector union, obtained permission to enroll members of the FRG Armed Forces. Approximately one percent have joined. Military order and justice matters are excluded from negotiations, and a union statute forbids asking military members to strike. Federal, state, and local governments jointly negotiate wages and working conditions annually at the national level with appropriate public sector unions. The German Parliament extends the negotiated wage increases and other improvements to civil servants and military personnel. Personnel councils represent military personnel on matters not covered in the negotiated contract. Military personnel councils exist at the Ministry of Defense level, region, and unit level. Military personnel are not permitted to make joint decisions with management. Grievances are, by law, the function of the personnel council. In combat units, a special arrangement -- an ombudsman -- has been established for handling complaints and

grievances. The ombudsman must be consulted when disciplinary action is taken against any individual he represents, but his function is basically to serve as a character reference. The ombudsman is suspended in national emergencies or war. Military personnel work a 40 hour week, but there is no compensation for overtime.[38]

Netherlands. In 1921, by royal decree, existing military associations of the Dutch Navy were granted formal consultation rights. Shortly thereafter, the same rights were extended to the Dutch Army associations. The Military Servants Act of 1931 provided the legal basis for military association consultation with the Ministry of Defense. These consultations concern pay, leave, and working hours and were expanded in 1975 to include training requirements, dress regulations, and promotion and assignment requirements. The consultation arrangement provides a regular communications channel rather than a system for bilateral negotiations. The Minister of Defense has final decision authority.[39]

Twelve major military associations participate in the consultation process: three represent officers, five represent enlisted personnel, two represent conscripts, one represents military police, and one represents reserve officers. The associations are managed by active duty military personnel, elected by the membership, who are granted leave with pay from their military duties. The associations represent about 90 percent of all military personnel. Membership dues are automatically deducted from members' pay. Membership is voluntary.[40]

The Association of Draftees, one of the two conscript associations, has brought about significant changes in military customs in the Dutch Army, as they pertain to draftees. Some of these changes include abolition of the saluting obligation, abolition of brass shining, and volun-

tary reveille. As a result, there is now little difference in personal appearance between the draftee and his civilian counterpart.[41]

The Dutch military does not have the right to strike, and association activities are suspended during time of war. The Dutch Armed Forces work a 40 hour week, and are partially compensated for overtime.[42]

Norway. The first military union was reportedly formed in 1835, and became affiliated with the Norwegian Federation of Labor in the early 1900s. Unification with other military unions in 1957 resulted in a single representative organization (BFO) for all military members except draftees. Approximately 90 percent of the officers and 70 percent of the NCOs are members. The BFO negotiates for pay, working hours, promotion policy, and grievance procedures. The BFO is prohibited from striking and cannot interfere in military justice or operational missions. Union activities are suspended in time of war. the union has achieved a standard 40 hour work week and restrictions on overtime of not more than ten hours per week or 105 hours per year without union approval.[43]

Sweden. The State Officials Act of 1965 extended collective bargaining rights to Swedish military associations, which had existed since the early 1900s. Three military unions have developed — the Company Officers' Union, the Platoon Officers' Union, and the Swedish Union of Officers. The collective bargaining rights of the private sector apply equally to military personnel and cover all aspects of pay and working conditions. Approximately 98 percent of career military personnel are members of military unions.[44]

The military unions have the right to strike, and the government

has the corresponding right to lockout, but there are certain restrictions to protect the public interest and national security. Through the collective bargaining process, military unions have been successful in negotiating a 40 hour work week and compensation for overtime.[45]

Summary. European military unions range from professional associations which attempt to influence the government by limited lobbying to full-fledged unions with unrestricted collective bargaining authority and the right to strike. All have achieved improvements in some aspects of pay, working hours, and benefits for their members. Membership percentages are high, and the lines of communication between soldier and government are effective. Except in Austria and Sweden, the right to strike is prohibited.

According to a General Accounting Office report to Congress:

> In all countries, the unions and associations operate within a legal framework and appear to have the positive cooperation and support of government and military authorities. Military officials feel that personnel practices have improved communication and have resolved personnel problems and conflicts. These practices did not seem to affect military discipline, efficiency, and morale.[46]

Table 1 provides summary data of European military unions and associations. Table 2 depicts the negotiation channels for Swedish military unions.

TABLE 1.

EUROPEAN MILITARY UNIONS AND ASSOCIATIONS (a)

Country	Year Established	Percent Membership	Unions (Number)	Government Relationship	Strike Permitted	Union Achievements 40 Hr. Week	Union Achievements Overtime
Austria	1967	66% OFF 75% NCO	1	Negotiation	Yes	Unk	Unk
Belgium	1975	55% OFF 80% NCO	3	Negotiation	No	Yes	Yes
Denmark	1922	98% OFF 92% NCO	52	Negotiation	No	Yes	Yes
Federal Republic Of Germany	1954	80%	2	Consultation Lobby	No	Yes	No
Netherlands	1921	90%	12	Consultation	No	Yes	Partial
Norway	1835	90% OFF 70% NCO	1	Negotiation	No	Yes	Restricted
Sweden	1965	98%	3	Negotiation	Yes	Yes	Yes

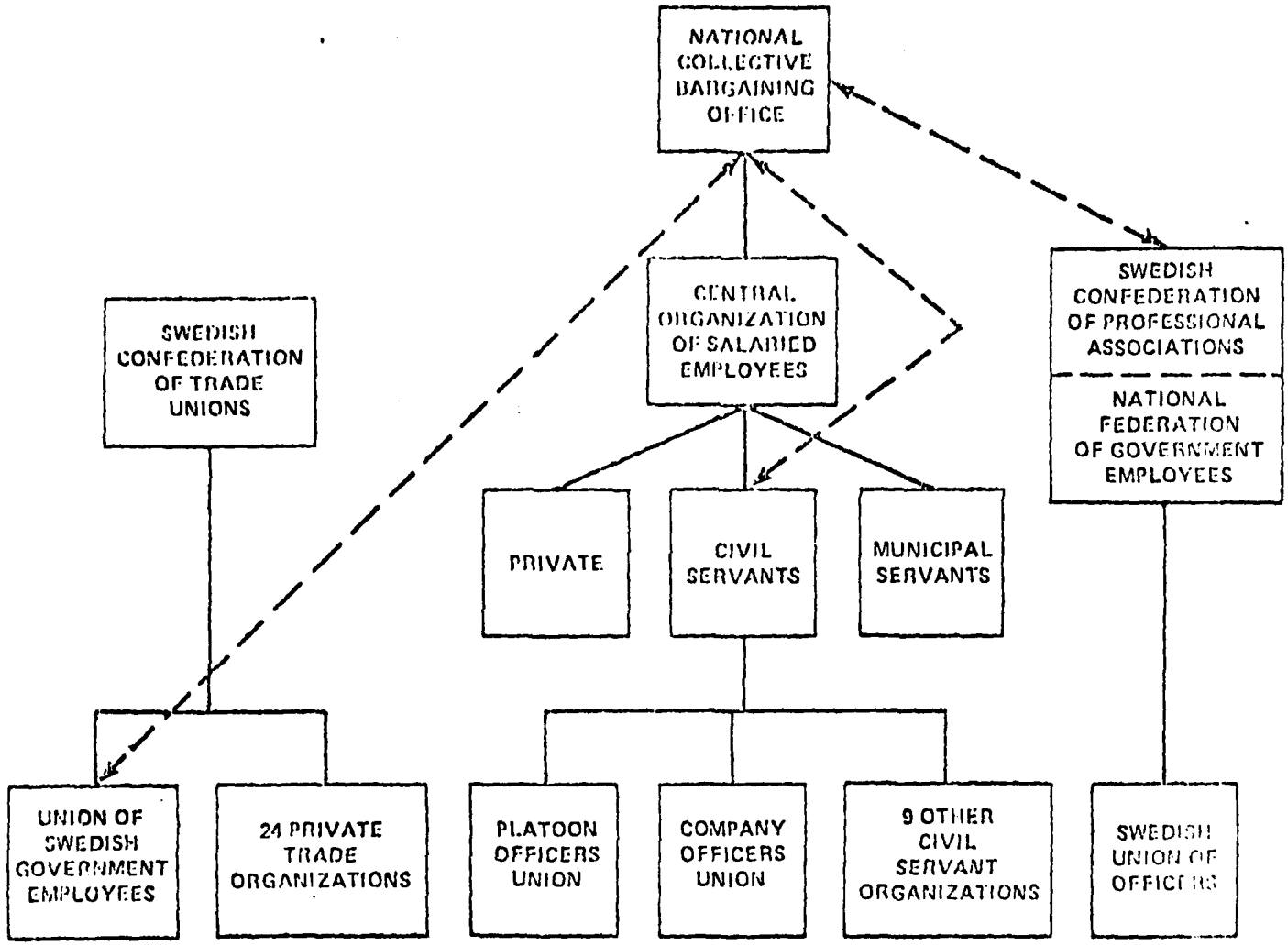
a. Data compiled from:

1. Report to the Congress: Information on Military Unionization and Organization, General Accounting Office (Washington, GPO, 1977) pp. 1-27.

2. Colben K. Sime, The Issue of Military Unionism: Genesis, Current Status and Resolution (Washington: National Defense University, 1977) pp. 1-9.

TABLE 2.

SWEDISH MILITARY UNIONS
NEGOTIATION CHANNELS (a)



(a) Report to the Congress: Information on Military Unionization and Organization, General Accounting Office (Washington: GPO, 1977) p. 25.

Supreme Court Restrictions of U.S. Armed Forces Constitutional Rights

The legal basis for the individual right to form or join unions is found in the first amendment to the Constitution, which prohibits Congress from enacting legislation abridging freedom of speech, freedom of the press, or the right of the people to peaceably assemble or petition the government for redress of grievances.[47]

Public Law 95-610, referred to earlier in this paper, has prohibited military personnel from joining military unions. The obvious question that arises is whether this law unconstitutionally restricts their First Amendment rights. Any answer to this question must, for the moment, be speculative because PL 95-610 has not yet been challenged in the courts.

> Cases which grew out of the Vietnam war protest movement have had lower federal court rulings on first amendment rights for military personnel. These rulings have been relatively consistent in restricting first amendment rights of military personnel where the "exercise of those rights were prejudicial to military good order and discipline or accomplishment of assigned military missions."[48]

In 1973, then-Major James A. Badami wrote in a thesis titled Servicemen's Unions: Constitutional, Desirable, Practical presented to the Judge Advocate General's School:

> . . . the creation of a servicemen's union, if kept within proper bounds, is both a constitutionally protected First Amendment right of servicemen and a circumstance in the best interest of the military . . . which need not disrupt the proper function of the military.[49]

In an article titled, "Soldiers in Unions - Protected First Amendment Right?" which appeared in Labor Law Journal in September 1969, Daniel P. Sullivan, an Indiana attorney wrote:

> . . . Since public employees have a constitutionally protected right to join a union as a matter of free speech, the right should also apply to military personnel if the necessity of

> fulfilling the military mission is not sacrificed . . . since members of the military are also public employees.[50]

But <u>are</u> military members public employees?

Title 5, U.S. Code, Section 2105, defines an employee of the federal government as:

> . . . an officer and an individual who is: Appointed in the civil service; or engaged in the performance of a federal function under authority of law or an Executive Act, and subject to supervision . . . while engaged in the performance of the duty of his position.[51]

There seems to be little doubt that active duty military members meet the definition of "public employee"; they are appointed to a position under federal authority and engage in acts directed by the federal government.

This is not a legal paper, and it would be dangerous to conclude anything about the law from the information presented. However, it is safe to assume that some doubt exists concerning the constitutional validity of PL 95-610. The law has not yet been challenged in court, and until it is, we can only speculate about the outcome. One thing is certain, however. The Supreme Court has not yet ruled that U.S. military personnel cannot join military unions.

ANALYSIS AND EVALUATION

An analysis of federal employee bargaining rights, the results of European military unions, and the allowable First Amendment restrictions on military members will reveal that all provide precedence and support for the formation of U.S. military unions.

The Impact on the Military of Public Employee Unions

In passing the Civil Service Reform Act of 1978, Congress stated:

> . . . experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them --
>
> (A) safeguards the public interest,
>
> (B) contributes to the effective conduct of public business, and
>
> (C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment . . . .[52]

Compare those "enlightened management" thoughts with the words of the House Armed Services Committee of the same Congress:

> . . . the process of conventional collective bargaining and labor negotiations cannot and should not be applied to the armed forces . . . ; unionization of the armed forces is incompatible with the military chain of command, undermines the role, authority, and position of the commander, and constitutes a clear threat to the morale and readiness of the armed forces.[53]

In other words, those labor-management processes which "safeguard the public interest, contribute to the effective conduct of public business, and facilitate the amicable settlement of disputes" in the public sector are the same processes which, "undermine the role, authority, and position of the commander (read "manager"), and constitutes a clear threat to the morale and readiness of the armed forces."

If public employee unions are that good, can military unions be that bad? I suggest that the answer is a resounding NO!

Some Service members perceive that Congress has failed to recognize their needs and aspirations, and is continually attempting to modify, without their consent, the conditions of the implied contract under which they serve. Lobbying efforts by the military professional associations have done little to change Congress' efforts to chip away at

military benefits and "cap," or restrict, military pay raises.

The sustained efforts of public sector employees and unions finally resulted in the recognition of their legal right to collectively bargain with their federal employer. There is good reason to believe that the success of the public sector employee will motivate the service member to achieve the same legal recognition to bargain with the government over the terms and conditions of military service. The formation of military unions, possibly affiliated with other public sector unions, is the obvious result.

The Impact of Military Unions on Morale, Discipline, and Readiness

Most discussions of military unions result in the conclusion that unions are a threat to military effectiveness.[54] The actual experiences of West European armies which have military unions does not support this conclusion.

> One cannot argue that unionized American military personnel would strike when the European analogies show that the unionized military do not strike. One cannot argue that where European military personnel have unionized, standards of appearance related to discipline have degenerated. . . . To prove conclusively (and causally) that mission capability has degenerated . . . would be an impossible and counter-productive undertaking.[55]

If the military unions in Western Europe are not degrading military discipline and mission capability, what are they doing?

> The demands of the European unions reflect an almost exclusive focus on economic and professional interests. Higher compensation is the sine qua non of all these unions. A related question is the drive for regulated work time and compensation for overtime. . . . The unions have also raised demands about service conditions and professional standards. . . . In addition, the military organizations have sought improved dining and housing facilities and better recreation and welfare services.[56]

> Professional military organizing in Sweden has had no negative impact on the armed forces. Far from disrupting the military,

> the officers of the Swedish military unions have become near partners in personnel management. These stolid, respectable organizations have played an important, constructive role in improving service pay and conditions. If military unions in the United States mirror their Swedish counterparts, the Pentagon will have nothing to fear.[57]

> Another important model of military unionism, relevant for military reasons and because of similar organizational patterns, is that of the Federal Republic of Germany. Military organizing is widespread in Germany, with little effect on the Bundeswehr's stature as the strongest military force on the continent.[58]

The Government Accounting Office, in a 1977 report to Congress on the results of organized military unions in European armies, summarized the situation very favorably. The GAO reported:

> Many U.S. Embassy officials, including military and labor attaches, believe organized representation has not adversely affected military readiness, efficiency, or discipline. . . . Overall, the military organizations in the countries studied appear to have contributed to improvements in pay and benefits and to general working and living conditions of military personnel.[59]

The Soldier and His First Amendment Rights

Efforts to regulate First Amendment rights of military personnel are not new. There are precedents in both military and civilian courts for applying the First Amendment to the military.[60]

Many cases dealing with limitation of First Amendment rights have been sustained by the United States Court of Military Appeals, yet these findings are in variance with past Supreme Court decisions requiring a strong demonstration of clear and present danger to discipline and good order.[61]

A U.S. Supreme Court ruling in 1974 (Parker v. Levy) indicated that First Amendment rights of members of the armed forces might be restricted if a deterioration in discipline leading to the compromise of a higher public interest could be demonstrated.[62]

The problem faced by those attempting to restrict the soldier's First Amendment rights lies in demonstrating the "higher public interest." A recent case demonstrates the problem:

> The Washington, D.C. police force experienced problems with its members seeking unionization and its associated activities. Management reacted by attempting to legally ban such activities. The situation reached the courts, who acknowledged that there may be legitimate public interests in preventing strikes by policemen. Yet they went on to state that the legislative solution is not to destroy freedom of association; rather it is to determine whether proposed actions actually endanger a valid state interest; and if so, to fashion legislation to protect that interest.[63]

In other words, the court ruled that if the police strike endangered a legitimate higher public interest, the legal solution was legislation which banned police strikes, not legislation which banned police unions.

An obvious comparison exists in recent legislation which established the Civil Service Reform Act and the legislation which prohibits military unionization. The Civil Service Reform Act, recognizing a "higher public interest," permits public sector collective bargaining but prohibits strikes. Public Law 95-610, recognizing a "higher public interest", prohibits servicemen from forming or joining military unions! This appears to be a very questionable restriction of the soldier's First Amendment rights.

CONCLUSIONS

The facts presented clearly indicate that there is a strong case for military unions. Unfortunately, Ezra Krendel predicted the reaction of the armed forces hierarchy when he wrote:

> . . . It would be unfortunate if the apprehension that the possibility of collective bargaining arouses among the leaders of the United States Armed Forces were to lead to a Maginot-line mentality with regard to traditional command

> prerogatives and authority. . . . The management of our armed forces, as well as our society as a whole, should view collective bargaining as a positive, evolutionary process which, either of itself or by stimulating constructive organizational responses by management, can lead to stronger and more effective armed forces.[64]

Congress must share responsibility for the "Maginot-line mentality." PL 95-610 hardly resembles the approach of progressive management.

The strong appeal of military unions will become obvious to the majority of the U.S. Armed forces when they recognize the disadvantage of being the largest federal manpower sector which has no formal way to protect or preserve its interests in the process that allocates manpower dollars in the federal budget. Given the current sentiment to reduce federal spending, manpower costs must take their share of the cuts. But all other sectors of federal public employees have some power, through unions, to stave off those reductions. The armed forces has none. The recent "unlinking" of military and civil service pay has produced larger pay raises for the military, but this situation cannot be expected to continue for long. The power of public employee unions will be brought to bear, and the adverse consequences will soon be apparent to the soldier. Should that sequence of events occur, the sentiment within the armed forces for unionization will become so strong that it may take more than Public Law 95-610 to halt it.

But even if such a series of events does not occur, the military will eventually progress to the point where it can view unionization without apprehension. The European armies that are unionized have set an excellent example for the orderly implementation of collective bargaining in the armed forces. As the U.S. Armed Forces study the accomplishments that those unions have achieved, and recognize that the

morale and efficiency of those armies have improved without any loss in discipline or readiness, a more mature approach to military unions will develop. Military effectiveness does not demand that the soldier sacrifice this particular First Amendment right to the whims of the bureaucracy.

ENDNOTES

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3. Ibid.

4. Walter Mossberg and Richard Levine, "Military Maneuver: Union Plans 1976 Drive to Represent Servicemen; Legalities are Explored and Pentagon Shudders", Wall Street Journal, June 27,1975, p. 30.

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6. Ibid., p. 32.

7. U.S., Congress, House, Committee on Armed Services, Investigations Subcommittee, Unionization of Military Personnel, Hearing, 95th Cong., 1st Sess., October 12, 1977 (Washington: GPO, 1978), pp. 122-127.

8. Taylor and Arango, op. cit., pp. 10-11.

9. U.S., Secretary of Defense, Policy Regarding Negotiation and Bargaining in the Armed Forces, Memorandum, 20 December, 1976.

10. Ibid.

11. Ibid.

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